

## [CHAPTER 13.]

## AN ACT

January 20, 1936.

[S. 1277.]

[Public, No. 422.]

To amend section 24 of the Judicial Code by conferring on district courts additional jurisdiction of bills of interpleader, and of bills in the nature of interpleader.

Judicial Code amend-  
ment.  
U. S. C., p. 1231.  
District courts.

Original jurisdiction  
of bills of interpleader,  
etc.

Adverse claimants,  
citizens of different  
States.

Deposit into court  
registry.

Bond, etc.

Venue.

Issue of process, etc.

Powers of court.

Equitable defenses.

Vol. 38, p. 956.  
U. S. C., p. 1277.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 24 of the Judicial Code, as amended, is amended by inserting at the end thereof the following:

"(26) ORIGINAL JURISDICTION OF BILLS OF INTERPLEADER, AND OF BILLS IN THE NATURE OF INTERPLEADER—TWENTY-SIXTH.—(a) Of suits in equity begun by bills of interpleader or bills in the nature of bills of interpleader duly verified, filed by any person, firm, corporation, association, or society having in his or its custody or possession money or property of the value of \$500 or more, or having issued a note, bond, certificate, policy of insurance, or other instrument of the value or amount of \$500 or more, or providing for the delivery or payment or the loan of money or property of such amount or value, or being under any obligation written or unwritten to the amount of \$500 or more, if—

"(i) Two or more adverse claimants, citizens of different States, are claiming to be entitled to such money or property, or to any one or more of the benefits arising by virtue of any note, bond, certificate, policy, or other instrument, or arising by virtue of any such obligation; and

"(ii) The complainant (a) has deposited such money or property or has paid the amount of or the loan or other value of such instrument or the amount due under such obligation into the registry of the court, there to abide the judgment of the court; or (b) has given bond payable to the clerk of the court in such amount and with such surety as the court or judge may deem proper, conditioned upon the compliance by the complainant with the future order or decree of the court with respect to the subject matter of the controversy.

Such a suit in equity may be entertained although the titles or claims of the conflicting claimants do not have a common origin, or are not identical, but are adverse to and independent of one another.

"(b) Such a suit may be brought in the district court of the district in which one or more of such claimants resides or reside.

"(c) Notwithstanding any provision of the Judicial Code to the contrary, said court shall have power to issue its process for all such claimants and to issue an order of injunction against each of them, enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any United States court on account of such money or property or on such instrument or obligation until the further order of the court; which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine and shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found.

"(d) Said court shall hear and determine the cause and shall discharge the complainant from further liability; and shall make the injunction permanent and enter all such other orders and decrees as may be necessary or convenient to carry out and enforce the same.

"(e) In any action at law in a United States District Court against any person, firm, corporation, association, or society, such defendant may set up by way of equitable defense, in accordance with section 274b of the Judicial Code (U. S. C., title 28, sec. 398), any matter which would entitle such person, firm, corporation, association, or society to file an original or ancillary bill of interpleader

or bill in the nature of interpleader in the same court or in any other United States District Court against the plaintiff in such action at law and one or more other adverse claimants, under the provisions of paragraph (a) of this subsection or any other provision of the Judicial Code and the rules of court made pursuant thereto. The defendant may join as parties to such equitable defense any claimant or claimants who are not already parties to such action at law. The district court in which such equitable defense is interposed shall thereby possess the powers conferred upon district courts by paragraphs (c) and (d) of this subsection and by section 274b of the Judicial Code."

SEC. 2. The Act entitled "An Act authorizing casualty companies, surety companies, insurance companies or associations or fraternal or beneficial societies to file bills of interpleader", approved May 8, 1926 (U. S. C., Supp. III, title 28, sec. 41 (26)), is hereby repealed. Said repeal shall not affect any act done or any right, accruing or accrued in any suit or proceeding had or commenced under said Act hereby repealed, prior to the passage of this Act, but all such acts or rights, suits or proceedings shall continue and be valid and may be prosecuted and enforced in the same manner as if said Act had not been repealed hereby.

Provisions repealed.

Vol. 44, p. 416.  
U. S. C., p. 1231.

Existing rights protected.

Approved, January 20, 1936.

[CHAPTER 21.]

JOINT RESOLUTION

To provide for the payment of compensation and expenses of the Railroad Retirement Board as established and operated pursuant to section 9 of the Railroad Retirement Act of June 27, 1934, and to provide for the winding up of its affairs and the disposition of its property and records, and to make an appropriation for such purposes.

January 21, 1936.  
[S. J. Res. 144.]  
[Pub. Res., No. 68.]

Whereas the Railroad Retirement Board was established and organized as an independent agency in the executive branch of the Government by and pursuant to section 9 of the Railroad Retirement Act, which Act has been held by the Supreme Court of the United States to be invalid; and

Railroad Retirement Board.  
Preamble.

Whereas the Railroad Retirement Board in the performance of its duties has acquired valuable data, records, information, and experience which should be utilized in determining the policy of Congress regarding the subjects of employment by railroads and the retirement of employees of railroads; and

Whereas the Board has records of individual employments which are of great value and should be preserved, and has, in the course of its work, received valuable records and documents which must be returned to their owners after the information contained therein shall have been noted and photostatic copies where necessary, shall have been made: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Railroad Retirement Board as established in section 9 of the Railroad Retirement Act (Public, Numbered 485, Seventy-third Congress) and the appointment and compensation of its members and the employment and compensation of its staff are hereby approved, ratified, and confirmed to all intents and purposes as if the provisions of section 9 relating thereto had on the day of their enactment been enacted as a statute distinct and separate from any other provisions of the Railroad Retirement Act, aforesaid; and no member of the Board or of its staff shall be liable for any action heretofore taken within the terms of the authority sought to be granted by the Railroad Retirement Act.

Appointment, pay, etc., confirmed.  
Vol. 48, p. 1287.  
U. S. C., p. 1973.

Board members, etc., liability.